IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

Crl.MC.No. 2597 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.3341/2007 Dated 06/06/2007 SC.428/2007 of ADDL.DISTRICST AND SESSIONS JUDGE FAST TRACK ADHOC -II, KOZHIKODE.

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PETITIONER: ACCUSED:

BENNI JOSEPH, S/O.JOSEPH,
PENDANATH HOUSE, KAYANNA AMSOM,
ATHIYODI DESOM, KOORACHUNDU VILLAGE,
KOYILANDY TALUK.

BY ADV. SRI.C.C.ABRAHAM

RESPONDENTS: COMPLAINANT:

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, KOORACHUNDU,
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR ADV.SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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Crl.M.C. No.2597 Of 2007

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Dated this the 16th day of August, 2007

ORDER

The prayer of the petitioner is that there may be a direction for expeditious disposal of S.C.No.428 of 2007 pending before the Court of Additional District and Sessions Judge Fast Track Adhoc-II, Kozhikode, in which he is the sole accused. According to the petitioner the Sessions Court has taken cognizance. But no summons has been received from the Court. The petitioner is employed abroad. His passport has been surrendered before the learned Sessions Judge. Unless there is expeditious disposal of the case, the petitioner shall not be able to leave for his place of employment. In these circumstances, the petitioner wants this Court to direct the learned Sessions Judge to consider the expeditious disposal of S.C.No.428/2007.

2. The learned Sessions Judge having already taken cognizance, it is for the petitioner to make his request for expeditious disposal of the case before the learned Sessions Judge. The petitioner need not wait to receive summons from the learned Sessions Judge. He must appear before the learned Sessions Judge and file an application to advance hearing of the case. He can also seek a direction for expeditious disposal of the case. In case expeditious disposal is not

possible, the petitioner can certainly make a request before the learned Sessions Judge to modify the condition regarding the surrender of passport. The learned Sessions Judge can consider the prayer of the petitioner for release of the passport and permit him to proceed to the place of employment if he undertakes that he shall appear in due time for the trial of the case. Appropriate orders can be passed by the learned Sessions Judge on such application, if any filed by the petitioner. Such application must be considered expeditiously by the learned Sessions Judge within 15 days from the date of filing.

Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

sj